

Case MDL No. 2419 Document 129 Filed 02/22/13 Page 1 of 6 **Filed: 02/27/12**

**U.S. District Court  
East Dist. of MI Detroit**

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC., PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2419

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO -1)**

On February 12, 2013, the Panel transferred 4 civil action(s) to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* F.Supp.2d (J.P.M.L. 2013). Since that time, no additional action(s) have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable F. Dennis Saylor.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saylor.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the District of Massachusetts for the reasons stated in the order of February 12, 2013, and, with the consent of that court, assigned to the Honorable F. Dennis Saylor.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

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| Inasmuch as no objection is pending at this time, the stay is lifted.            |
| Feb 22, 2013   |
| CLERK'S OFFICE<br>UNITED STATES<br>JUDICIAL PANEL ON<br>MULTIDISTRICT LITIGATION |

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC., PRODUCTS LIABILITY  
LITIGATION**

MDL No. 2419

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

**DIST    DIV.    C.A.NO.    CASE CAPTION**

**FLORIDA MIDDLE**

|     |   |          |  |
|-----|---|----------|--|
| FLM | 5 | 12-00630 | York v. New England Compounding Pharmacy, Inc. |
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**INDIANA NORTHERN**

|     |   |          |   |
|-----|---|----------|---|
| INN | 3 | 12-00615 | Tolbert v. New England Compounding Pharmacy Inc                 |
| INN | 3 | 12-00683 | Landon et al v. New England Compounding Pharmacy Inc            |
| INN | 3 | 12-00712 | Tacy v. New England Compounding Pharmacy Inc et al              |
| INN | 3 | 12-00726 | Shrock et al v. New England Compounding Pharmacy Inc            |
| INN | 3 | 12-00736 | Rethlake v. New England Compounding Pharmacy Inc                |
| INN | 3 | 12-00737 | Schrock et al v. New England Compounding Pharmacy Inc et al     |
| INN | 3 | 12-00738 | Copsey v. New England Compounding Pharmacy Inc et al            |
| INN | 3 | 12-00739 | Klemm v. New England Compounding Pharmacy Inc et al             |
| INN | 3 | 12-00740 | Wyres v. New England Compounding Pharmacy Inc et al             |
| INN | 3 | 12-00741 | Tallman v. New England Compounding Pharmacy Inc et al           |
| INN | 3 | 12-00749 | Rohrer et al v. New England Compounding Pharmacy Inc et al      |
| INN | 3 | 12-00775 | Huff v. New England Compounding Pharmacy Inc                    |
| INN | 3 | 12-00819 | Pavlekovich et al v. New England Compounding Pharmacy Inc et al |
| INN | 3 | 12-00820 | Oblinger et al v. New England Compounding Pharmacy Inc et al    |
| INN | 3 | 12-00821 | Lambert v. New England Compounding Pharmacy Inc et al           |
| INN | 3 | 12-00822 | Ginther et al v. New England Compounding Pharmacy Inc et al     |
| INN | 3 | 12-00823 |   |

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|     |   |          |   |
|-----|---|----------|---|
|     |   |          | Geisler et al v. New England Compounding Pharmacy Inc et al       |
| INN | 3 | 12-00840 | Keller v. New England Compounding Pharmacy Inc et al              |
| INN | 3 | 12-00841 | Rhodes v. New England Compounding Pharmacy Inc et al              |
| INN | 3 | 12-00842 | Maloney v. New England Compounding Pharmacy Inc et al             |
| INN | 3 | 12-00843 | Raeder v. New England Compounding Pharmacy Inc et al              |
| INN | 3 | 12-00844 | Legg v. New England Compounding Pharmacy Inc et al                |
| INN | 3 | 12-00845 | Islas v. New England Compounding Pharmacy Inc et al               |
| INN | 3 | 13-00006 | Baer et al v. New England Compounding Pharmacy Inc et al          |
| INN | 3 | 13-00007 | Hartman et al v. New England Compounding Pharmacy Inc, etc, et al |
| INN | 3 | 13-00022 | Ellison v. New England Compounding Pharmacy Inc et al             |
| INN | 3 | 13-00023 | Kniffen v. New England Compounding Pharmacy Inc et al             |
| INN | 3 | 13-00024 | Jewel v. New England Compounding Pharmacy Inc et al               |
| INN | 3 | 13-00025 | Raiff v. New England Compounding Pharmacy Inc et al               |

## INDIANA SOUTHERN

|     |   |          |   |
|-----|---|----------|---|
| INS | 1 | 12-01638 | COPASS v. NEW ENGLAND COMPOUNDING PHARMACY INC. et al |
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## MARYLAND

|    |   |          |  |
|----|---|----------|--|
| MD | 1 | 13-00183 | Trope et al v. New England Compounding Pharmacy Inc. et al |
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## MICHIGAN EASTERN

|     |   |          |  |
|-----|---|----------|--|
| MIE | 2 | 12-14662 | Doyon et al v. New England Compounding Pharmacy, Inc.    |
| MIE | 2 | 12-14820 | Klaserner v. New England Compounding Pharmacy, Inc.      |
| MIE | 2 | 12-14822 | Otto v. New England Compounding Pharmacy, Inc.           |
| MIE | 2 | 12-14824 | Adkins et al v. New England Compounding Pharmacy, Inc.   |
| MIE | 2 | 12-14847 | Rye et al v. New England Compounding Pharmacy, Inc.      |
| MIE | 2 | 12-14848 | Alverado et al v. New England Compounding Pharmacy, Inc. |
| MIE | 2 | 12-14849 | Nelson et al v. New England Compounding Pharmacy, Inc.   |
| MIE | 2 | 12-14855 |  |

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|     |   |          |  |
|-----|---|----------|--|
|     |   |          | Drew et al v. New England Compounding Pharmacy, Inc.           |
| MIE | 2 | 12-14856 | Raab et al v. New England Compounding Pharmacy, Inc.           |
| MIE | 2 | 12-14857 | Clark et al v. New England Compounding Pharmacy, Inc.          |
| MIE | 2 | 12-15082 | Shoop et al v. New England Compounding Pharmacy, Inc.          |
| MIE | 2 | 12-15083 | Mattiila et al v. New England Compounding Pharmacy, Inc.       |
| MIE | 2 | 12-15084 | Peters et al v. New England Compounding Pharmacy, Inc.         |
| MIE | 2 | 12-15237 | Vargo et al v. New England Compounding Pharmacy, Inc.          |
| MIE | 2 | 12-15238 | Krueger et al v. New England Compounding Pharmacy, Inc.        |
| MIE | 2 | 12-15239 | Huggett v. New England Compounding Pharmacy, Inc.              |
| MIE | 2 | 12-15240 | Mazure et al v. New England Compounding Pharmacy, Inc.         |
| MIE | 2 | 12-15241 | Carmichael et al v. New England Compounding Pharmacy, Inc.     |
| MIE | 4 | 12-14818 | Hall et al v. New England Compounding Pharmacy, Inc.           |
| MIE | 4 | 12-15242 | Smith et al v. New England Compounding Pharmacy, Inc.          |
| MIE | 5 | 12-15243 | Ruttmann v. New England Compounding Pharmacy, Inc.             |
| MIE | 5 | 13-10027 | Greenlee et al v. New England Compounding Pharmacy, Inc. et al |

## MICHIGAN WESTERN

|     |   |          |   |
|-----|---|----------|---|
| MIW | 1 | 12-01363 | Briggs v. New England Compounding Pharmacy, Inc. et al      |
| MIW | 1 | 12-01367 | Smoot et al v. New England Compounding Pharmacy, Inc. et al |

## MINNESOTA

|    |   |          |  |
|----|---|----------|--|
| MN | 0 | 12-02707 | Ross v. New England Compounding Pharmacy, Inc.     |
| MN | 0 | 12-02841 | Peterson v. New England Compounding Pharmacy, Inc. |
| MN | 0 | 12-02938 | Stanley v. New England Compounding Pharmacy, Inc.  |

## NEW JERSEY

|    |   |          |   |
|----|---|----------|---|
| NJ | 1 | 12-07176 | MARKO et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al |
| NJ | 1 | 12-07179 | PENNINGTON v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al  |
| NJ | 1 | 12-07180 | HANNAH v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al      |

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|    |   |          |   |
|----|---|----------|---|
| NJ | 1 | 12-07711 | LEAVERTON, ET AL. v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al |
| NJ | 1 | 12-07712 | JONES v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al             |
| NJ | 1 | 12-07713 | RAMOS v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al             |
| NJ | 1 | 12-07714 | RIOS et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al        |
| NJ | 1 | 12-07715 | RIVERA et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al      |
| NJ | 1 | 12-07716 | TOLOTTI et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al     |
| NJ | 1 | 12-07717 | TAYVINSKY et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al   |
| NJ | 1 | 12-07718 | ZAVACKI v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al           |
| NJ | 1 | 12-07724 | LETIZIA et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al     |
| NJ | 1 | 12-07725 | GOULD et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al       |
| NJ | 1 | 13-00274 | TISA et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al        |
| NJ | 1 | 13-00291 | NORMAND et al v. NEW ENGLAND COMPOUNDING PHARMACY, INC. et al     |

## TENNESSEE MIDDLE

|     |   |          |   |
|-----|---|----------|---|
| TNM | 1 | 12-00177 | McElwee et al v. New England Compounding Pharmacy, Inc.       |
| TNM | 2 | 12-00115 | Lewis et al v. New England Compounding Pharmacy, Inc. et al   |
| TNM | 2 | 12-00117 | O'Brien et al v. New England Compounding Pharmacy, Inc. et al |
| TNM | 3 | 12-01223 | Higdon et al v. New England Compounding Pharmacy, Inc.        |
| TNM | 3 | 12-01224 | Slatton et al v. New England Compounding Pharmacy, Inc.       |
| TNM | 3 | 12-01233 | Rybinski v. New England Compounding Pharmacy, Inc.            |
| TNM | 3 | 12-01234 | Bryant v. New England Compounding Pharmacy, Inc.              |
| TNM | 3 | 12-01240 | Wray et al v. New England Compounding Pharmacy, Inc.          |
| TNM | 3 | 12-01254 | Miller v. New England Compounding Pharmacy, Inc.              |
| TNM | 3 | 12-01255 | Ragland v. New England Compounding Pharmacy, Inc.             |
| TNM | 3 | 12-01257 | Sullivan et al v. New England Compounding Pharmacy, Inc.      |
| TNM | 3 | 12-01258 | Chambers v. New England Compounding Pharmacy, Inc.            |
| TNM | 3 | 12-01259 | Peay v. New England Compounding Pharmacy, Inc.                |
| TNM | 3 | 12-01260 | Brinton v. New England Compounding Pharmacy, Inc.             |
| TNM | 3 | 12-01275 | Russell et al v. New England Compounding Pharmacy, Inc.       |

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## TEXAS EASTERN

|     |   |          |   |
|-----|---|----------|---|
| TXE | 4 | 12-00687 | Herson v. New England Compounding Pharmacy, Inc., et al |
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## TEXAS NORTHERN

|     |   |          |  |
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| TXN | 3 | 12-04200 | Cavanaugh v. New England Compounding Pharmacy, Inc |
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## VIRGINIA WESTERN

|     |   |          |   |
|-----|---|----------|---|
| VAW | 7 | 12-00562 | <del>Radford v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013    |
| VAW | 7 | 12-00563 | <del>Whittaker v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013  |
| VAW | 7 | 12-00564 | <del>Walker v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013     |
| VAW | 7 | 12-00565 | <del>Sherrill v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013   |
| VAW | 7 | 12-00566 | <del>Clark v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013      |
| VAW | 7 | 12-00576 | Wingate v. New England Compounding Pharmacy, Inc. et al                                 |
| VAW | 7 | 12-00584 | <del>Brown v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013      |
| VAW | 7 | 12-00585 | <del>Linthicum v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013  |
| VAW | 7 | 12-00586 | <del>Talieferro v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013 |
| VAW | 7 | 12-00598 | Rhodes v. New England Compounding Pharmacy, Inc.  |
| VAW | 7 | 12-00604 | Smith v. New England Compounding Pharmacy, Inc. et al                                   |
| VAW | 7 | 12-00605 | McFarlane v. New England Compounding Pharmacy, Inc. et al                               |
| VAW | 7 | 12-00606 | Bradley v. New England Compounding Pharmacy, Inc. et al                                 |
| VAW | 7 | 12-00608 | Kalinowski v. New England Compounding Pharmacy, Inc. et al                              |
| VAW | 7 | 12-00609 | Filson v. New England Compounding Pharmacy Inc. et al                                   |
| VAW | 7 | 12-00614 | <del>Powell v. New England Compounding Pharmacy, Inc. et al</del> Opposed 2/21/2013     |

I hereby certify on 2/25/13 that the foregoing document is true and correct copy of the

electronic docket in the captioned case  
 electronically filed original filed on 2/22/13  
 original filed in my office on 2/22/13

Sarah A. Thornton

Clerk, U.S. District Court  
 District of Massachusetts

By: Sherry Jones  
 Deputy Clerk